

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

MILO ENTERPRISES, INC.,)	
)	
Plaintiff and Counterclaim-)	
Defendant,)	Case No. 1:18-cv-06315
v.)	
BIRD-X, INC., et al.,)	Honorable John Z. Lee
)	
Defendant and Counterclaim-)	
Plaintiff.		

**JOINT REPORT AND DISCOVERY PROPOSAL BY DEFENDANT AND
COUNTERCLAIM-PLAINTIFF BIRD-X, INC. AND PLAINTIFF AND
COUNTERCLAIM-DEFENDANT MILO ENTERPRISES, INC.**

Pursuant to the Court’s August 22, 2019 Order (ECF No. 83), Defendant and Counterclaim-Plaintiff Bird-X, Inc. (“Bird-X”) and Plaintiff and Counterclaim-Defendant Milo Enterprises, Inc.’s (“Plaintiff” or “Milo”) submit the following joint report:

1. While the parties did engage in further discussions to determine whether a resolution could be reached, they were ultimately unable to reach a settlement agreement. Accordingly, the parties are setting forth below their proposal for a discovery plan for the remainder of this action.
2. As an initial matter, the parties believe they will need additional time to complete some limited written discovery and for production of relevant responsive documents. In particular, during the parties’ settlement discussions, Milo identified a number of documents it has yet to produce in this action that it contends are relevant to its claimed damages. While Bird-X and its counsel were able to view these documents during the settlement discussions, Milo has

not yet produced those documents to Bird-X. Bird-X would like the opportunity to review these documents to determine whether further written discovery is necessary based on the production of those documents, and follow-up on Milo's responses to existing written discovery requests to confirm all relevant and responsive information has been produced. Bird-X may also produce additional documents once it reviews Milo's production. Accordingly, as set forth below, the parties propose an additional 60 days to complete this production of documents and serve and allow for responses to any additional discovery requests, with the expectation that the parties will affirmatively produce any and all responsive and relevant documents they have yet to produce on or before September 9, 2019, while allowing time thereafter for the parties to prepare and respond to any additional written discovery requests and/or seek third party discovery based on this production.

4. Based on these facts, the parties submit the following joint discovery proposal deadlines:

- **Proposed Date(s) for completion of written discovery and document production:**

October 29, 2019

- **Proposed Date(s) for completion of fact discovery:**

November 26, 2019

- **Proposed Date(s) for expert discovery completion, including delivery of expert reports:**

- Initial expert witness disclosures due: January 31, 2020
- Rebuttal expert witness disclosures due: February 28, 2020
- Expert discovery cut-off: March 27, 2020

DATED: August 30, 2019

Respectfully submitted,

By: /s/ Sean M. Sullivan

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Dated: August 30, 2019

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